



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Courthouse
300 Quarropas Street
White Plains, New York 10601*

August 2, 2019

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

MEMO ENDORSED

Re: *United States v. Nicholas Tartaglione*, S4 16 Cr. 832 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter to request that the Court maintain under seal Exhibits A, C, and D to defendant Nicholas Tartaglione's motion to suppress certain cell site evidence. The exhibits were publicly filed earlier today by the defendant as Docket Numbers 138-1, 138-3, and 138-4. On January 12, 2017, Your Honor issued a protective order agreed to by the parties (the "Protective Order"), which provided, among other things, that discovery material marked "sensitive" that was "pertinent to any motion before the Court should initially be filed under seal, absent consent of the Government or Order of the Court." (Dkt. No. 12, ¶ 9). Exhibits A, C, and D were marked sensitive under the Protective Order because, among other things, they (i) disclose statements of potential witnesses, including family members and close friends of the victims, which could lead to the identification of witnesses, (ii) include phone numbers for people other than the defendant, and (iii) identify uncharged targets of the investigation. Therefore, pursuant to the Protective Order, Exhibits A, C, and D should not have been filed publicly in connection with the defendant's motion.¹

*The exhibits have been temporarily sealed.
Defendants are directed to respond by
close of business on Monday, August 5, 2019.
So ordered.*

¹ Although Exhibit B is marked "sensitive" pursuant to the Protective Order, the Government agrees that Exhibit B can be filed publicly at this time.

SO ORDERED


KENNETH M. KARAS U.S.D.J.

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Accordingly, the Government respectfully requests that Exhibits A, C, and D be maintained under seal. The Government will coordinate with defense counsel to determine whether there are portions of these documents that may be publicly filed.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Jason Swergold
Maurene Comey
Jason Swergold
Assistant United States Attorneys

Cc: Counsel of record (by ECF)